

## OHIO MAYORS ALLIANCE

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September 18, 2018

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

VIA ELECTRONIC FILING

Dear Ms. Dortch,

The Ohio Mayors Alliance is writing to you to express its deep concerns with the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell infrastructure deployment. As a bipartisan coalition of mayors from Ohio's largest cities and suburbs, we have many concerns about several provisions in the document that would preempt local control for small cell deployment and result in further revenue losses for our cities.

This year in Ohio, we worked with state legislatures, the telecommunications industry and other municipalities to find a compromise on Ohio House Bill 478, which also involved the deployment of small cell infrastructure in municipal right-of-ways. This bill garnered widespread support for its balance of industry and city interests. As the Ohio Mayors Alliance, we hold to high regard municipal home rule and oppose any effort to further infringe on our authority.

We take particular issue with this proposal because it would result in massive revenue losses for local governments, new unfunded mandates and loss of local control and local property rights. Specifically, we join with the National League of Cities to urge the Commissioners to reconsider the following issues:

- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.

- **The FCC’s proposed definition of “effective prohibition” is overly broad.** The draft report and order proposes a definition of “effective prohibition” that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding
- **The FCC’s proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC’s interpretation of “fair and reasonable compensation” as meaning approximately \$270 per small cell site. Local governments share the federal government’s goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities?

This proposal would result in reduced funding for local services, which by the Commission’s own estimates could be billions of dollars over the next decade, increase the risk of right-of-way and other public safety hazards and widen the digital divide. These are dramatic changes in precedent that Ohio’s cities vehemently oppose. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community and we urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

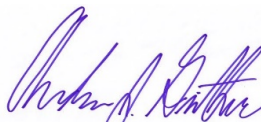
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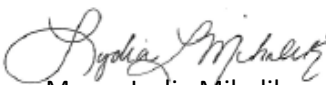
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